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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
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11 THERESA BROOKE,

12 Plaintiff,

13 v.

14 SUPERB HOSPITALITY LLC,

15 Defendant.  
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Case No. 1:20-cv-00103-AWI-SAB

ORDER REQUIRING DEFENDANT TO  
FILE RESPONSIVE PLEADING

17 On April 21, 2020, Theresa Brooke (“Plaintiff”) filed an amended complaint in this  
18 action against Superb Hospitality (“Defendant”) pursuant to the Americans with Disabilities Act,  
19 42, U.S.C. §12102(2). (ECF No. 35.) This matter has been extremely contentious and the  
20 parties have filed numerous motions, including seeking sanctions which have been addressed by  
21 the district judge. On March 29, 2021, an order issued granting in part Defendant’s motion to  
22 dismiss Plaintiff’s first amended complaint and denying Defendant’s Rule 56 motion for  
23 summary judgment, Plaintiff’s motion for Rule 56(d) relief, and numerous motions that were  
24 erroneously filed. (ECF No.)

25 Pursuant to Rule 12 of the Federal Rules of Civil Procedure, if the Court denies a motion  
26 brought under Rule 12, “the responsive pleading must be served within 14 days after notice of  
27 the court’s action.” Fed. R. Civ. P. 12(a)(4)(A). Here, the order granting in part Defendant’s  
28 motion to dismiss was filed on March 29, 2021. (ECF No. 90.) The deadline to file a responsive

1 pleading has passed and Defendant has not filed a responsive pleading or sought an extension of  
2 time to do so.

3 Accordingly, IT IS HEREBY ORDERED that Defendant shall file a responsive pleading  
4 within **seven (7) days** of the date of entry of this order.

5  
6 IT IS SO ORDERED.

7 Dated: **May 24, 2021**

  
UNITED STATES MAGISTRATE JUDGE